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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/582,307 06/22/00 ESCH

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LAW OFFICES OF KARL HORMANN  
86 SPARKS STREET  
CAMBRIDGE MA 02138-2216

QM02/0524

EXAMINER

FREAY, C

ART UNIT	PAPER NUMBER
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3746

DATE MAILED:

05/24/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/582,307	ESCH ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Charles G Freay	3746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-26 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-26 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

15) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No. _____.
16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
17) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.	20) <input type="checkbox"/> Other: _____

## DETAILED ACTION

The disclosure is objected to because of the following informalities: the specification should be amended to refer to this application as a 371 of the PCT application.

Appropriate correction is required.

### *Claim Objections*

Claims 1, 4 and 25 are objected to because of the following informalities: in claim 1 line 8 "that" should be inserted after "fact", in claim 4 correction of the claim dependency is required "one or more of claims 1", and in claim 25 "realizing should be "having". Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are replete with vague and indefinite language. The claims attempt to set forth the structure by describing the assembly procedure of the device in claims 1 ("the support cage is structured for mounting its structural modules in a direction axially"), 5-8, 11, 12, and 20. the structure should be set forth positively in its assembled form.

The following terms in the claims do not have proper antecedent basis:

- in claim 1 "the structural modules", "its structural modules";
- in claim 2 "the flared rim";
- in claim 3 "the wall", "protruding stator pack connectors";
- in claim 4 "stator pack connectors" ;
- in claim 9 "the receptacle", "the wall";
- in claim 13 "suction blower", and;
- in claim 18 "the marginal portion" and "the flared rim".

The terms "Upper", "upwardly", "interior", and "bottom side" in claim s 1, 2 and 9 are relative terms which render the claims indefinite. The terms are not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

In claim 1 lines 10 and 11 it is unclear what is in direct contact.

In claim 2 line 3 it is unclear what "its" refers to.

In claim 6 it is unclear if the material after "for receiving" is part of the claimed material.

In claim 10 it is unclear what is in direct contact.

In claim 12 it is unclear if the housing is inserted into the receptacle.

In claim 16 it is unclear what structure is defined by "flexibly linked". In claim 19 "or the like" is confusing.

In claim 26 it is unclear if the material after "especially" is intended to further limit the claims.

In claim 1 line 3 it is unclear if the material after "such as" is intended to further limit the claims.

Claims 1-26 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kim et al, Warner et al, Ciccarelli and Numata et al disclose electric motor driven impeller pumps. Steffes et al discloses an electric motor having brushes driving a pump.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles G Freay whose telephone number is (703)308-0639. The examiner can normally be reached on M,T & Fr 9:30 -6; W & Th 2:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Thorpe can be reached on (703)308-0102. The fax phone numbers for the organization where this application or proceeding is assigned are (703)308-7763 for regular communications and (703)308-7763 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application  
or proceeding should be directed to the receptionist whose telephone number is  
(703)308-0861.

CGF  
May 22, 2001

  
CHARLES G. FREAN  
PRIMARY EXAMINER